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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,815	07/17/2003	James H. Quiggins	1022-02901	1287
23505	7590	11/09/2007		
CONLEY ROSE, P.C. David A. Rose P. O. BOX 3267 HOUSTON, TX 77253-3267			EXAMINER ALEXANDER, REGINALD	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 11/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,815

Applicant(s)

QUIGGINS ET AL.

Examiner

Reginald L. Alexander

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Schirmer.

There is disclosed in Schirmer a cooking apparatus, comprising: a vessel 20 having an annular rim; an insert 14 supported in rotational engagement with the vessel and comprising an annular rim portion engaging the vessel rim, the insert further having straining apertures therein; C-shaped latches 24 attached to the annular rim of the vessel; locking projections 53 attached to the annular rim of the insert for alignment with the latches; and a lid 25 mountable upon the rim of the vessel.

In regards to claims 30 and 31, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. In this instance the hooks and cutouts are for securing element together and fail to have any bearing on the actual cooking of food. The projections and latches disclosed in Schirmer function to secure the straining insert to the vessel during cooking.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Delaquis et al.

There is disclosed in Delaquis a cooking apparatus comprising: a vessel 10 having an annular rim 18; a strainer insert 12, 52 supported in rotational engagement with the vessel and comprising an annular rim portion 44 engaging the vessel rim; a latch member 46; and least one cutout 20, 22; wherein the insert is detachable from the vessel when the latch is aligned with the cutout.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Nagao.

Nagao discloses the use of a straining insert having a central access opening and surrounding peripheral straining apertures.

It would have been obvious to one skilled in the art to modify the insert of Schirmer with that taught in Nagao, in order to allow access to a central region of the vessel without removing the insert.

Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Harrison.

Harrison discloses the use of cutouts 28 on an insert annular rim, the cutouts being aligned with projecting latches 26 on an annular rim of a supporting base member, the latches forming with a lower rim, a C-shape.

It would have been obvious to one skilled in the art to substitute the insert projections of Schirmer with the cutouts taught in Harrison, in order to provide an alternative means for providing a rotating locking arrangement between the insert and vessel rims.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Harrison as applied to claims 5-13 above, and further in view of Nagao.

Nagao discloses the use of a straining insert having a central access opening and surrounding peripheral straining apertures.

It would have been obvious to one skilled in the art to modify the insert of Schirmer, as modified by Harrison, with that taught in Nagao, in order to allow access to a central region of the vessel without removing the insert.

Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Nagao and Harrison.

Schirmer, as discussed above, discloses all of the claimed subject matter except for an insert access opening, which has been taught in Nagao, and a rim cutout, which has been taught in Harrison.

It would have been obvious to one skilled in the art to modify the insert of Schirmer with that taught in Nagao, for the reasons presented above. Additionally, it would have been obvious to one skilled in the art to substitute the insert projections of Schirmer with the cutouts taught in Harrison, for the reasons presented above.

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Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Jones.

Schirmer, as discussed above, discloses the use of a vessel and insert and locking arrangement between them.

Jones discloses a locking arrangement where a vessel rim has a cutout (presented between projections 16) and a vessel lid has a C-shaped latch 18.

It would have been obvious to one skilled in the art to substitute the locking arrangement of Schirmer with that taught in Jones and provide cutouts in the vessel rim and C-shaped latches on the insert, in order to provide an alternative means of locking the insert and the vessel together.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Jones as applied to claims 25 and 26 above, and further in view of Scorta Paci.

Scorta Paci discloses that it is known in the art to construct a vessel lid of a transparent (see-through) material.

It would have been obvious to one skilled in the art to modify the vessel lid of Schirmer, as modified by Jones, with that taught in Scorta Paci, in order to allow the user to observe a cooking process.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Jones as applied to claims 25 and 26 above, and further in view of Nagao.

Nagao discloses the use of a straining insert having a central access opening and surrounding peripheral straining apertures.

It would have been obvious to one skilled in the art to modify the insert of Schirmer, as modified by Jones, with that taught in Nagao, in order to allow access to a central region of the vessel without removing the insert.

Response to Arguments

Applicant's arguments filed 08 October 2007 have been fully considered but they are not persuasive. Applicant states that the tangs of Schirmer do not remain engaged with catch members of the receptacle when the straining insert is rotated forty five degrees or more. It should be noted that the language of claim 1 does not require any type of securing members be engaged or remain engaged. The claim requires the insert remain engaged with the vessel as the insert is rotated relative to the vessel. This limitation is met if the insert is never lifted from the vessel as it is turned or the vessel is not tipped over. The engagement does not require any securing elements or securing arrangement. An engagement can merely be a meeting or touching of elements together.

Applicant argues that the protrusions of the Delaquis strainer lid do not capture the rim of the pot. It should be noted that the protrusions are captured in a cutout portion of the rim and it can be argued that this arrangement meets the limitation of capturing the rim. There is provided in the claim no specific structural arrangement which is defined by the term "capture".

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In regards to applicant's argument pertaining to claim 30, it has been addressed in the anticipation rejection above involving Schirmer.

Applicant argues that there is no motivation to combine the Harrison reference with the Schirmer reference since Harrison fails to describe a rotational locking mechanism. While Harrison does disclose a vertical alignment of elements, it is a rotational movement between the elements which aligns them so that they are locked.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

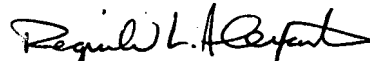
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla
31 October 2007


Reginald L. Alexander
Primary Examiner
Art Unit 3742